



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/663,398

09/15/2003

Bradley W. Johnson

51639-7022

2913

23117 7590 12/16/2008
NIXON & VANDERHYE, PC
901 NORTH GLEBE ROAD, 11TH FLOOR
ARLINGTON, VA 22203

EXAMINER

SAGER, MARK ALAN

ART UNIT

PAPER NUMBER

3714

MAIL DATE

DELIVERY MODE

12/16/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

<p align="center">Advisory Action Before the Filing of an Appeal Brief</p>	Application No. 10/663,398	Applicant(s) JOHNSON, BRADLEY W.	
	Examiner M. Sager	Art Unit 3714	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 24 November 2008 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☐ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 4 months from the mailing date of the final rejection.
 b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☒ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
 (a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
 (b) ☐ They raise the issue of new matter (see NOTE below);
 (c) ☒ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
 (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
 5. ☐ Applicant's reply has overcome the following rejection(s): _____.
 6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
 7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
 The status of the claim(s) is (or will be) as follows:
 Claim(s) allowed: _____.
 Claim(s) objected to: _____.
 Claim(s) rejected: 1-2, 5-34, 37-46.
 Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
 9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
 10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
 12. ☐ Note the attached Information *Disclosure Statement*(s). (PTO/SB/08) Paper No(s). _____.
 13. ☐ Other: _____.

/M. Sager/
Primary Examiner, Art Unit 3714

Continuation of 11. does NOT place the application in condition for allowance because: regarding finality, contrary to Applicants remark, the final status is deemed proper due to Lamle being caused to be applied as a direct result from amendment rec'd 4/4/08 adding 'separate' networked sources, and associated remarks thereof that previously was not required in that Lamle teaches remote separate networked sources (17-19). Lamle was of record and previously applied, thus Applicant was aware of the reference. Also, the combination with respect to Karmarkar/Jarvis remained relevant for alternate claim interpretation of separate network sources that are remote as not being same RNG device (each wheel is separate/unique from another) as including so as not patentably define over the combination of separate network sources of Karmarkar/Jarvis as in evidence by holding and Office response to Applicants remarks clarifying basis of each alternate interpretation. Both interpretations were presented in holding as encompassed by claims as amended. Final is proper. The distinction in interpretation of 'separate' warrants the dual holdings over combination of art by demonstrating different interpretations of 'remote' and 'separate' as claimed. Applicant may petition final with request for Gp Director consideration. 37 CFR 1.181. MPEP 706.07(c) and 1002.02(c).

Regarding Applicants indication that action presented statements that claim language was not understood, the Office did not raise any 112(2) issues, thus there was no lack of clarity raised or mentioned that claim amendments do not address any indefiniteness and do not place claims in better condition for appeal (by responding to any indefiniteness since none had been raised). However, the prior claim language was not confusing as the action presented different interpretations illustrating breadth of claim language with different combination of art applied accordingly thereto.

Regarding presently proposed claim amendments for locations remote from one another, the final presents evidence that Lamle includes separate remote sources for locations remote from one another as separate multiple casino roulette wheels and that Jarvis includes separate remote sources for locations remote from one another as separate unique wheels of a multi-wheel roulette game and that Karmarkar teaches multiple sources thereby claim language does not appear to patentably distinguish over combination. In essence, the language including 'remote' is not so defined as to preclude the the remote separate sources taught by either Lamle or Jarvis each in combination with Karmarkar. Although Applicant may be their own lexicographer; in this case, there is no evidence to preclude a gaming system, gaming device and method having remote separate wheels of a multi-wheel roulette game as taught by Jarvis or separate multiple casino roulette wheels as taught by Lamle each in combination with Karmarkar. In essence, the terms 'separate' and 'remote' are believed to include each form as presented in combinations in holdings. Regarding proposed claim amendment for wager made IAW scheme including bet amount and type; the bet scheme as claimed appears to claim component parts of a conventional wager since \$X on Black in roulette implicitly contains those components that therefore fails to distinguish over combination of Karmarkar/Jarvis or Karmarkar/Lamle.

Finally, there is no evidence presented why the amendment to claims was not earlier presented and due to prosecution being properly closed (i.e. FINAL), entry of amendment is no longer a matter of right. Entry is denied as not placing the claims in better form for appeal, not materially reducing or simplifying issues and not placing application in condition for allowance. The combination of prior art teaches/suggests claimed invention. Since the prior art of record teaches/suggests presently claimed invention, first action final of any continuing application would be proper. MPEP 706.07(b).